In the Supreme Court of the United States.

OCTOBER TERM, 1902.

THE UNITED STATES OF AMERICA, complainant, *v.* THE STATE OF MICHIGAN.	No. 13, Original. In equity. On demurrer.

MOTION TO ASSIGN FOR ARGUMENT.

Now comes the said complainant and, at the request of the defendant, moves the court that the hearing of argument on the demurrer of defendant to the complainant's bill be set down for Monday, April 20, 1903, or at such other date during the present term of this court as by the court may be determined.

HENRY M. HOYT,
Solicitor-General of the United States.

MARSDEN C. BURCH,
Solicitor for Complainant.

23988—03

FILE COPY.

Office Supreme Court U.S.
FILED
DEC 14 1903
JAMES H. McKENNEY,
Clerk.

4 Orig'l.

O. T. 1906

In the Supreme Court of the United States.

OCTOBER TERM, 1906

UNITED STATES OF AMERICA, complainant,
v.
THE STATE OF MICHIGAN, defendant.

In Equity. Original, No. 4

MOTION FOR LEAVE TO FILE REPLICATION.

In the Supreme Court of the United States.

OCTOBER TERM, 1903.

UNITED STATES OF AMERICA, complainant, *v.* THE STATE OF MICHIGAN, defendant.	In Equity. Original, No. 10.

MOTION FOR LEAVE TO FILE REPLICATION.

And now comes the said complainant, by Henry M. Hoyt, its Solicitor-General, and respectfully asks the court for permission to file its replication, herewith submitted, in the above-entitled cause.

HENRY M. HOYT,
Solicitor-General of the United States.

13572—03

FILE COPY

4 Orig'l.

O. T. 1906

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

UNITED STATES OF AMERICA, complainant, v. THE STATE OF MICHIGAN, defendant.	In Equity. Original No. 4.

REPLICATION.

In the Supreme Court of the United States.

OCTOBER TERM, 1903.

UNITED STATES OF AMERICA, complainant, *v.* THE STATE OF MICHIGAN, defendant.	In Equity. Original No. 10.

REPLICATION.

The replication of the United States of America, complainant, to the answer of the State of Michigan, defendant, made by leave of the court first had and obtained, respectfully shows:

This replicant, the United States of America, saving and reserving to itself all and all manner of advantages of exception which may be had and taken to the manifold errors, uncertainties, and insufficiencies of the answer of the defendant, the State of Michigan, for replication thereunto, saith that it doth, and will aver, maintain, and prove its said bill to be true, certain, and sufficient in the law to be answered unto by the said defendant, and that the answer of the said defendant is very uncertain, evasive, and insufficient in law to be

replied unto by this replicant; without this, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, confessed, or avoided, traversed, or denied, is true, all which matters and things this replicant is ready to aver, maintain, and prove as this honorable court shall direct, and humbly prays as in and by its said bill it hath already prayed.

P. C. KNOX,
Attorney-General of the United States.
HENRY M. HOYT,
Solicitor-General.

MARSDEN C. BURCH,
Solicitor, and of counsel.

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In the Supreme Court of the United States.

OCTOBER TERM, 1903.

UNITED STATES OF AMERICA, complainant, *v.* THE STATE OF MICHIGAN, defendant.	In Equity. Original, No. 10.

MOTION FOR LEAVE TO FILE STIPULATION TO TAKE TESTIMONY.

Now comes the said complainant, by Henry M. Hoyt, Solicitor-General, and asks the court for permission to file a stipulation, signed by the solicitors and counsel for the respective parties hereto, providing for the taking of testimony, the time for taking the same, and for the appointment of a commissioner for that purpose.

And the said Solicitor-General now moves the court that an order be entered in accordance with the terms of said stipulation that proofs shall be taken, that the time for taking the same shall be fixed as provided in said stipulation, and the party named therein shall be appointed commissioner to take said proofs and return them to this court.

HENRY M. HOYT,
Solicitor-General of the United States.

19014—04

FILE COPY.

Office Supreme Court U. S.
FILED
FEB 1 1904
JAMES H. McKENNEY,
Clerk.

4 Orig'l.
O.T.1906

In the Supreme Court of the United States.

OCTOBER TERM, 1903

UNITED STATES OF AMERICA, complainant,
v.
THE STATE OF MICHIGAN, defendant.

In Equity. Original, No. 4

STIPULATION TO TAKE TESTIMONY AND TO APPOINT COMMISSIONER.

In the Supreme Court of the United States.

OCTOBER TERM, 1903.

UNITED STATES OF AMERICA, complainant, *v.* THE STATE OF MICHIGAN, defendant.	In Equity. Original, No. 10.

STIPULATION TO TAKE TESTIMONY AND TO APPOINT COMMISSIONER.

It is hereby stipulated and agreed on the part of the United States, complainant herein, by Henry M. Hoyt, Solicitor-General, and Marsden C. Burch, solicitor and of counsel, on the one hand, and Charles A. Blair, attorney-general of the State of Michigan and solicitor and of counsel for the defendant, on the other hand, that the proofs in the above-entitled cause shall be taken for and on behalf of said complainant within ninety days from the time when an order to that effect shall have been entered by the court, and that the proofs for said defendant shall be taken within sixty days after the expiration of said ninety days; and that any rebutting proofs may be taken on the part of complainant

within thirty days from the expiration of the time for taking defendant's proof; provided, that the parties hereto may shorten or extend the time for taking and closing said proofs by stipulation to be signed by the respective solicitors and counsel.

And it is further stipulated and agreed between the parties hereto that Peter Doran, esq., an attorney and counselor-at-law and solicitor in chancery, of Grand Rapids, Michigan, may, with the approval of the court, be appointed commissioner for the purpose of taking such testimony and reporting the same to the court.

HENRY M. HOYT,
Solicitor-General.

MARSDEN C. BURCH,
Solicitor and of Counsel for Complainant.

CHAS. A. BLAIR,
Attorney-General of the State of Michigan, Solicitor for Defendant.

O

4 Orig'l.
C.T.1906

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1906

THE UNITED STATES OF AMERICA, COMPLAINANT,
vs.
THE STATE OF MICHIGAN, DEFENDANT.

IN EQUITY.
Original
No. [illegible] # 4

MOTION FOR LEAVE TO FILE DEMURRER AND NOTICE.

HORACE M. OREN,
Attorney General of the State of Michigan,
Solicitor for Defendant.
(Lansing, Mich.)

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1902.

THE UNITED STATES OF AMERICA, COMPLAINANT, vs. THE STATE OF MICHIGAN, DEFENDANT.		IN EQUITY. Original No. 13.

And now comes the said defendant by its solicitor, Horace M. Oren, attorney general of the state of Michigan, and respectfully asks this Court for permission to file its demurrer, herewith submitted, in the above entitled cause.

Dated, November 26th, A. D. 1902.

Horace M. Oren

Attorney General of Michigan,
Solicitor for Defendant.

Business address: Capitol, Lansing, Mich.

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1902.

THE UNITED STATES OF AMERICA, COMPLAINANT, vs. THE STATE OF MICHIGAN, DEFENDANT.	}	IN EQUITY. Original No. 13.

SIR—Please to take notice that on Monday, the 8th day of December, 1902, I will apply to the said Court by motion for permission to file a demurrer to the bill of complaint filed in the above entitled cause.

You are herewith served with a copy of said motion and demurrer.

Dated, this 26th day of November, A. D. 1902.

Horace M. Oren

Attorney General of Michigan,
Solicitor for Defendant.

To John K. Richards,
Solicitor General,

Marsden C. Burch,
Solicitor and of Counsel, for said Complainant:

STATE OF MICHIGAN, } ss.
County of Ingham. }

Henry E. Chase, Deputy Attorney General of the State of Michigan, being first duly sworn, deposes and says, that he caused a copy of the foregoing motion and notice, together with a copy of the demurrer therein referred to, to be served upon the said complainant, by depositing copies thereof, enclosed in a sealed envelope, with postage fully prepaid thereon, and properly addressed to John K. Richards, Solicitor General of the United States, Washington, D. C., in the United States Postoffice at Lansing, Michigan, on the 26th day of November, 1902, and by depositing copies thereof, enclosed in a sealed envelope, with postage fully prepaid thereon, and properly addressed to Marsden C. Burch, Washington, D. C., in the United States Postoffice at Lansing, Michigan, on the 26th day of November, 1902.

Henry E. Chase

Subscribed and sworn to before me this 26th day of November, A. D. 1902.

D. B. Hinckley

Notary Public, Barry County, Michigan,
Acting in Ingham County.

4 Orig'l.

O. T. 1906

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1906

UNITED STATES OF AMERICA, COMPLAINANT, vs. THE STATE OF MICHIGAN, DEFENDANT.	IN EQUITY. Original No. ~~10~~ N 14

DEMURRER.

HORACE M. OREN,
Attorney General of the State of Michigan,
Solicitor for Defendant.

IN THE SUPREME COURT OF THE UNITED STATES.

UNITED STATES OF AMERICA.

October Term, 1901.

UNITED STATES OF AMERICA, COMPLAINANT, vs. THE STATE OF MICHIGAN, DEFENDANT.	}	IN EQUITY. Original No. 19.

The demurrer of the above named defendant, the State of Michigan, to the bill of complaint of the above named complainant, United States of America.

This defendant, by protestation, not confessing all or any of the matters or things in the said bill of complaint contained to be true in such manner and form as the same are herein set forth and alleged, doth demur to the said bill. And for causes of demurrer showeth,

First. That it appeareth by the complainant's own showing by the said bill that it is not entitled to the relief prayed by the bill against this defendant.

Second. That it appeareth from complainant's own showing by the said bill that the said defendant, the State of Michigan, was not, as a matter of law, the

trustee of the said complainant, in the management and control of said canal.

Third. That by virtue of the Act of Congress approved August 26, 1852, and the acceptance of the grant to the State of Michigan made thereby, and the completion of the St. Mary's Falls Ship Canal within the time prescribed by said Act of Congress, as it appears by the said bill, the said St. Mary's Falls Ship Canal became and was the property of the State of Michigan in all respects, except as to the rights reserved by the government of the United States under and by virtue of section 3 of said Act of Congress, to the use of the same free from toll or other charge upon vessels of the United States of America engaged in the public service, or upon vessels employed by it in the transportation of any property or troops of the United States.

Fourth. That it appeareth from complainant's own showing by the said bill that no part of the said sum of sixty-eight thousand nine hundred twenty-seven dollars and twelve cents remaining in the possession and under the control of defendant at the time said canal was turned over to the said complainant, belongs to said complainant, and that the said complainant is not entitled to an accounting from defendant for the whole or any portion thereof.

Fifth. That it appears by the said bill that the said complainant has been guilty of gross laches in regard to

the matters therein set forth, and that by reason thereof it is not entitled to the relief prayed for.

Horace M. Oren

Attorney General of the State of Michigan,
Solicitor for Defendant.

Business address, Capitol, Lansing, Mich.

I hereby certify that the foregoing demurrer is in my opinion well founded in point of law.

Horace M. Oren

Solicitor for Defendant.

Lansing, Michigan, October 9, 1902.

STATE OF MICHIGAN, } ss.
County of Ingham. }

Horace M. Oren, being duly sworn deposes and says that he is the Attorney General of the State of Michigan, and makes this affidavit for and on behalf of said State of Michigam; and that the foregoing demurrer is not interposed for delay.

Horace M. Oren

Subscribed and sworn to before me this 9th day of October, A. D. 1902.

D. B. Hinckley

Notary Public, Barry county, Michigan, acting in Ingham county.